

**COMPARABILITY**

## **Comparability**

Comparability is a **test of fairness**. Schools receiving federal Title I funds must receive state and local funds **comparable** to the state and local funds given to non-Title I schools. In other words, Title I schools must be getting their fair share of state and local funds before they receive Title I funds. Title I funds, by law, are therefore **supplemental** to state and local funds.

## **Requirement to be comparable**

Comparability is **required** by the **No Child Left Behind Act of 2001** (Public Law 107-110, enacted on January 8, 2002), **Section 1120A, Fiscal Requirements, paragraph c**

which reads:

### **(c) COMPARABILITY OF SERVICES-**

#### **(1) IN GENERAL-**

(A) COMPARABLE SERVICES- Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

(B) SUBSTANTIALLY COMPARABLE SERVICES- If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

(C) BASIS- A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

#### **(2) WRITTEN ASSURANCE-**

(A) EQUIVALENCE- A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented--

- (i) a local educational agency-wide salary schedule;
- (ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
- (iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

(B) DETERMINATIONS- For the purpose of this subsection, in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

(C) EXCLUSIONS- A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

(3) PROCEDURES AND RECORDS- Each local educational agency assisted under this part shall--

(A) develop procedures for compliance with this subsection; and

(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

(4) INAPPLICABILITY- This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

(5) COMPLIANCE- For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for--

(A) language instruction educational programs; and

(B) the excess costs of providing services to children with disabilities as determined by the local educational agency.

### **Exemptions from comparability**

The requirement to prove comparability does not apply to districts which have only **one school building per grade span**. [see section 1120A(c)(4) above]. Also, if a school district has only two schools, one large and one small, comparability is not required. Charter schools are to be treated as any other school and should be included in comparability testing. Finally, a school district **may** exclude schools (including charter schools) with **100** or fewer students from its comparability test.

### **Frequency for comparability testing**

Comparability must be tested **every year** in which a district receives Title I funds.

### **Timeframe (THIS IS IMPORTANT)**

Comparability testing should be completed at the district level by **November 15**. This will give a district time to fix any comparability issues before the

second half of the school year. A district should have corrected any comparability issues no later than **January 15**.

### **Federally mandated criteria for meeting comparability**

There are a number of ways a district can meet the comparability requirement as required by the Federal Department of Education (ED). One is to establish and implement the following:

- a district-wide salary schedule;
- a district policy to ensure equivalence among schools in teachers, administrators and other staff; and
- a district policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies [see section 1120A(c)(2)(A) above]

The above 3 criteria **are included** in the local educational association (LEA) assurances section (**assurance number 27**) of the South Carolina Title I application which is signed by each districts superintendent. **So, each district is committing to these criteria for comparability by submitting its Title I application.**

Additionally, a district may meet the comparability requirement if it tests for comparability using a number of measures that the ED recommends.

Because the South Carolina Department of Education (SCDE) is ultimately responsible in the eyes of the ED for ensuring that districts are comparable, the SCDE may establish the method a district uses to determine comparability. **In South Carolina the SCDE has established that a district must meet the comparability requirement by 1. assuring to the above three criteria and 2. testing for comparability by using the student/instructional staff ratio method.**

### **Method to compute comparability**

The ED has formulated a number of assurances and tests for comparability. The ED allows State Departments of Education to require a primary method in their state to test for comparability. In South Carolina the primary test of comparability is, as stated above, the **student/instructional staff ratio**.

### **Alternative methods**

If a district cannot prove comparability using the student/instructional staff ratio they have three alternatives:

- a. Adjust the funding source(s) used to pay the instructional staff
- b. Move instructional staff from one school to another for all or part of the day

- c. Use a different method to test for comparability (**contact the SCDE in this case for assistance**)

**Procedure for using the student/instructional staff ratio test**

- a. Students and instructional staff **must** be counted **on the same day**.
- b. Title I schools are compared to non-Title I schools. In the case of a district having only Title I schools, the least poor Title I schools are compared to the poorer Title I schools.
- c. Schools are compared by grade span (usually elementary, middle and high schools)
- d. Only those grade spans that have Title I served schools have to be compared.
- e. Students are counted at each school using the district Average Daily Membership (**ADM**). **Do not count** 3 and/or 4 year olds.
- f. Instructional staff can be counted in a number of ways. Most districts use payroll or finance data. Staff are counted as full (1.0) or fractional (less than 1.0) Full Time Equivalents (FTE). **Include** and **exclude** the following staff in the count:

**Note: Procedure if school personnel are paid with State Fiscal Stabilization Funds under the American Recovery and Reinvestment Act of 2009**

In light of the wide variety of activities for which State Fiscal Stabilization Funds may be used, the determination of whether they are treated as Federal funds or State or local funds for purposes of comparability determinations should be made in consideration of the particular activity for which the funds are being used. Under section 14003(a) of the American Recovery and Reinvestment Act of 2009 (ARRA), State Fiscal Stabilization Funds may be used for any activity that is authorized by the ESEA, the Individuals with Disabilities Education Act (IDEA), the Adult and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act of 2006, among other certain specified activities. The activities authorized by the ESEA include activities that are authorized by Title VIII of the ESEA, the Impact Aid Program. Because Impact Aid is considered general aid to recipient LEAs, Impact Aid funds may be used for any educational activity consistent with local and State requirements. As such, Impact Aid funds are effectively deemed State and local funds for which no accountability to the Federal government is required, and staff that are paid with Impact Aid funds are included in comparability determinations.

Accordingly, if school personnel are paid with State Fiscal Stabilization Funds on the basis that the funds are being used for activities that are authorized by Impact Aid — *i.e.*, the funds are being used to pay school personnel who would ordinarily be supported with State or local funds in the absence of the current economic conditions — then the school personnel should be considered to be paid with State or local funds and should be included in

comparability determinations. If, however, school personnel are paid with State Fiscal Stabilization Funds for activities that are authorized by one of the other Federal programs set forth above — *e.g.*, in the absence of the State Fiscal Stabilization Funds, the staff member would otherwise be paid with IDEA funds — then the individual paid with those funds should be considered to be Federally funded and should not be included in comparability determinations.

An LEA must include an explanation of how it treats State Fiscal Stabilization Funds-paid staff in the comparability procedures it is required to develop under section 1120A(c)(3)(A) of the ESEA.

**Include:**

- Classroom teachers, music, art and PE teachers, and foreign language instructors
- Computer lab instructors (not monitors)
- Instructional coaches
- Curriculum coordinators
- Principals
- Assistant principals
- Instructional paraprofessionals (must work under the supervision of a highly qualified teacher. **Count them at 50% of their allowable FTE**)
- Media specialist
- Guidance or career counselor
- Speech therapist

**Exclude:**

- Custodians or housekeepers
- Food service personnel
- Secretaries (all)
- SASI clerk
- Attendance clerk
- Data entry clerk
- Nurses
- Social workers
- Psychologist
- Any federally paid personnel
- Pre-K teachers or paraprofessionals

g. Staff data should include:

- Name of included personnel
- Name of school where employed
- FTE (fractional if person is paid part time out of an excluded account and part time out of an included account)
- Funding source
- Position description
- Date on which the report counted the personnel
- Personnel who are excluded (crossed out or otherwise highlighted for verification)

**Social Security numbers and salary** are **not** needed.

- h. The source data used for student count (ADM) and instructional staff count must be verifiable
- i. A K-8 school (or similar large grade span school) may be counted as one K-5 and one 6-8 school.
- j. A K-2, 3-5 or similar small grade span could be excluded from comparability if there is only one such school in the district.

**REMEMBER!:**

Comparability must be done for **each year** a district receives Title I funds (unless the district is excluded from the comparability requirement)

Comparability testing should be completed at the district level by **November 15**. This will give a district time to fix any comparability issues before the second half of the school year. A district should have corrected any comparability issues no later than **January 15**.

If a district cannot prove comparability using the student/instructional staff ratio they have **three alternatives**:

- a. Adjust the funding source(s) used to pay the instructional staff
- b. Move instructional staff from one school to another for all or part of the day
- c. Use a different method to test for comparability (contact the SCDE in this case for assistance)

**LINK TO FEDERAL GUIDANCE:**

[http://www.ed.sc.gov/agency/Accountability/Federal-and-State-Accountability/old/fp/title\\_i/documents/fiscalguid\\_000.pdf](http://www.ed.sc.gov/agency/Accountability/Federal-and-State-Accountability/old/fp/title_i/documents/fiscalguid_000.pdf)

## 1. Form to compute comparability

The following form may be used to compute comparability. If a district does not use this form and uses their own form or spreadsheet it should include the same information and calculations:

The example below assumes a district serves only elementary grades and has Title I and non-Title I schools. If a district serves other or all grade spans then a form for each grade span is required.

If a district has **only** Title I schools in any of its grade spans then the least poor Title I school(s) are used as the comparison school(s). In effect they act as non-title I schools for this purpose.

School	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ Instructional Staff Ratio	Comparable?
Title I Elementary Schools					
Beaufort Elementary	KG - 5	528	70.2	7.5	Yes
Broad River Elementary	KG - 5	510	49.4	10.3	Yes
Davis Elementary	KG - 5	417	38.7	10.8	Yes
Shanklin Elementary	KG - 5	726	59	12.3	Yes
Port Royal Elementary	KG - 5	189	16	11.8	Yes
St. Helena Elementary	KG - 5	808	55	14.6	No
Shell Point Elementary	KG - 5	673	60	11.2	Yes
Non-Title I Elementary Schools					
Hilton Head	KG - 5	1,764	114.5	15.4	
Lady's Island	KG - 5	757	70.0	10.8	
MC Riley	KG - 5	1,005	88.0	11.4	
Mossy Oaks	KG - 5	484	42.0	11.5	
Total		4,010	314.5	12.8	
110% of Student/FTE ratio for non-Title I schools *					14.1

The ratio 14.1 is your **target ratio**. In order to be comparable, the student/instructional staff ratio for each Title I elementary school may not exceed 14.1 (14.1 students:1 teacher).



The following is a blank form which a district may use to compute comparability.

School	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ Instructional Staff Ratio	Comparable?
Title I Schools					
Non-Title I Schools [or Title I school(s) to be used as comparison school(s)]					
110% of Student/FTE ratio for non-Title I schools					